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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. Applicant's arguments filed 7/22/2008 have been fully considered but they are not persuasive.

2. Applicant submits that the combination of Meurisse and Van As fails to disclose the limitation of planning a scheme change and providing a change signal indicating that the data communications device has planned the scheme change. Applicant further argues that in Van As, the throttle message (correlating to the change signal) is sent only after the congested node has already changed the manner in which data cells are transferred from the input port to the output port of the congested node. Applicant further states that Van As is seen to show only two methods of transferring packets within the node, (1) freely transferring them and (2) holding them at the input port when the output port is congested and that the congested node itself makes the decision to change from method (1) to method (2), and this change is not preceded by any sending of the throttle message and that in fact, the throttle message is clearly sent only after method (2) is already being used (page 3 lines 1-15). Examiner however correlates the change from method (1) to method (2) as disclosed by Van As and stated by Applicant, to represent the transfer conditions within the data communication device existing while transferring of the particular flow based on the initial policy scheme. Thus when a node is freely transferring packets, the node is not congested. But if the transfer conditions within the node suffers (being congested), while transferring the packet of the initial policy scheme, the congested node must hold packets within the node so that they are not lost. Thus if method (2) is occurring, transfer conditions are bad, thus sending a throttle message, (a change signal to a source indicating that the data communications

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device has planned the scheme change) to the source, so that the transfer rate is lower to accomplish proper transfer conditions from input port to output port of the node (a new policy scheme controlling a new manner in which the packets are transferred).

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Supervisory Patent Examiner, Art Unit 2616